

PUBLIC MEETING
April 3, 2001

Chair Karolin Loendorf called the meeting to order at 9:00 a.m.

Commissioners Murray and Varone were present. Others attending all or a portion of the meeting included Pete McHugh, Jerry McCauley, Shirley McCauley, Maxine Nichols, Harry Nichols, R.M. Hudnall, John Shaw, Darrell Shew, Ronald Schatz, Ed Shea, Greg Teberg, Carol Hahlbohm, Scott Smith, Karin Borowiak, Louis Matayas, Steve Yakawich, Blair Ricks, Norma Ricks, Les Harris, Travis Elder, and Kim Ingwaldson.

Minutes. There are no minutes to approve.

Auditor's Invoice Report. Alicia Pichette reported that 670 invoices have been selected for payment in the amount of \$802,901.85. A copy of this report and the claims are available for inspection in room 341.

Consideration of a Resolution to Create Rural Improvement District No. 2001-1 for Maintenance of the Oro Fino Park. (cont. from 2/13, 3/15, & 3/20/01). Sharon Haugen reported that on February 13, the BoCC passed a resolution of intent for the Oro Fino Park Maintenance District and called for a public hearing. The public hearing was held March 15. At the close of the meeting, the Commission requested that staff readvertise and redraw the boundaries of the district to include all of Oro Fino Subdivision. On March 20, the BoCC voted to reconsider that decision and set today's date to render a final decision on the original resolution that was considered on March 15.

By consensus, the written documents received from residents of the Oro Fino Subdivision will be incorporated into the public record. The individual who wished to have their testimony remain confidential will not be entered into the public record.

Pete McHugh, 4295 McHugh Drive. Read his letter of protest requesting the property owned by McHugh Land & Livestock be removed from the Oro Fino Park RID because this property is not in the Oro Fino Subdivision.

Blair Ricks, 4165 Homestake. The county should be more concerned about how tax dollars are spent and where they come from. Tax dollars should be spent for something other than creating this park in the Oro Fino Subdivision. The park situated at the end of a cul-de-sac will create an increase in road maintenance and will increase traffic in the area. The creek along the border of the park will create a safety hazard for children.

Harry Nichols. Mr. Nichols requested that the corner portion of his property (tract adjacent to lots 41 and 42) containing his tree farm and well be taken off the park proposal.

Jerry McCauley, 924 Lodestar Road. He and his wife oppose creating the Oro Fino Park improvement district.

Louis Matayas, 904 Lodestar Road, (formerly 4166 Bernice Road). Mr. Matayas submitted his letter of protest at an earlier public meeting stating that the park district should include the entire Oro Fino Subdivision, not just a portion.

Scott Smith, 909 Menlo Park Road. Mr. Smith is in favor of the park proposal. He does not agree that the park will create more traffic in the subdivision. He purchased his property based on the intention that a park will some day be created. He questioned who is responsible for the maintenance of the 3.7 acres if this park district is not created.

Sharon Haugen stated that the county has limited funds to maintain 30 county parks and the county does its best at weed control.

Travis Elder, 930 Lodestar Road. Mr. Elder stated he is against the park district because of the inclusion of Middlemas Road and questions the reasons for the park as compared to Mount Helena Park, which is in its natural state.

Karin Borowiak, 906 Lodestar Road. Ms. Borowiak stated there are homes in the subdivision that have been affected by the drought and cannot understand why 3.7 acres would be irrigated with a possibility of more groundwater problems. She feels natural grass with weed control would be sufficient.

Les Harris, 901 Menlo Park Road. Mr. Harris is in favor of the park district and there are 25 other homeowners who voted in favor of the park district who are not here today and who are committed to the creation of the park.

Greg Teberg, 910 Lodestar Road. Mr. Teberg stated this property is in a floodplain and could cause problems in the future.

Ron Schatz. Mr. Schatz asked who is responsible for the streambank restoration project on Ten Mile Creek. The creek is rip-rapped with old car bodies and could cause injuries for children playing in the creek.

Les Harris stated he contacted Hydrotech to find out the status of the project they are working on for the removal of car bodies, which is outside the scope of the improvement of this RID. Hydrotech representative, Steve Trallis, is providing an informational meeting for residents to answer questions on the car body removal project on Saturday, April 7 from 9-11 a.m.

Sharon Haugen stated that the Park Board allocated park development funds to assist in the financing of this project and has received other funding from Rural Conservation District.

Dewey Hahlbohm, 912 Menlo Park Road. Mr. Hahlbohm voted in favor of the park district and is a member of the park committee. The boundaries of the park RID were

formed in conjunction with the Planning Department. The boundaries were drawn to include those residents who were affected and geographically contiguous with the park. He agreed with Mr. Schatz that the restoration project be done within the regulations of the streambank permit process.

Ed Shea, 929 Lodestar Road. Mr. Shea stated his protest of this park. His concern is the water availability due to the current drought conditions and would rather the park be kept in its natural state.

Hearing no other comments, the Chair closed this portion of the public hearing. Commissioner Murray clarified that previously the BoCC voted to exclude the Effertz property and that the McHugh property was to remain in the district boundaries. Commissioner Murray then moved that the Commission approve the resolution and authorized the Chair to sign. Commissioner Varone seconded the motion. The Chair offered a substitute motion to exclude the McHugh property from the Oro Fino Park proposal. Commissioner Murray seconded the motion. Commissioner Varone opposed the motion. The motion carried 2-1.

By a unanimous decision, the Commission approved the resolution to create the RID No. 2001-1 for maintenance of the Oro Fino Park.

Contract Amendment with Stahly Engineering for Professional Services Related to Six (6) Helena Valley RIDs. Sharon Haugen reported that this is a contract amendment with Stahly Engineering in the event that the RIDs that are currently under consideration with the BoCC be approved for them to do the engineering work. Staff recommended that the Commission table this contract until staff and the Commission has had an opportunity to review the contract. Commissioner Murray moved to table this to Thursday, April 5, 2001 at 9:00 a.m. Commissioner Varone seconded the motion and it carried unanimously.

Final Plat Approval for the Kelly Minor Subdivision. Jerry Grebenc reported that the applicant has met all of the conditions of approval and the taxes have been paid. There is an improvements agreement for asphalt mat approaches to Lincoln Road. Staff recommended approval of the final plat and of the improvements agreement. By consensus, the Commission agreed to sign the final plat and the agreement.

Proposed Minor Subdivision, Preliminary Plat to be Known as Broadwater Estates. Jerry Grebenc reported that staff has not completed the analysis because the COS did not match the location of the proposed subdivision. The applicant, Steve Yakawich, requested an extension of the review period and a postponement of the public hearing to April 17 to allow staff more time to complete the analysis.

Ron Schatz. Mr. Schatz stated he has photos showing this property was flooded in 1980 and 1981. He is not opposed to the subdivision, but he is opposed to giving the developers water. There is city water available. Because he lives downstream he will lose water from Ten Mile Creek from the wells for this subdivision.

Commissioner Murray moved that the Commission extend the review period until April 27, 2001 and that the public hearing be held April 17, 2001. Commissioner Varone seconded the motion and it carried unanimously.

Marjorie Nichols. Mrs. Nichols requested that her property be excluded from the Oro Fino Park District.

Sharon Haugen reported that the Commission acted on the boundaries of the two properties that were excluded are commonly referred to as the Effertz property and the McHugh property that are on the west and the northwest corner of the proposed RID. All of the properties that were in the boundary as proposed are included at this time. In order to further amend the boundaries, the Commission would need to hold another public hearing.

Mr. Nichols stated he opposed the proposal and is bothersome to his operation and requested that his property be removed from the district.

Final Plat Approval for the Minor Subdivision, D-Ten, Lot B4B Minor. Jerry Grebenc reported that all of the conditions have been met and all taxes have been paid. Staff recommended approval of the final plat. By consensus, the Commission agreed to sign the final plat.

Public Safety Contract-MTG Management Consultants. Commissioner Murray moved that the county enter into a contract with MTG Management Consultants of Seattle, Washington, to advise the SSD Board on the purchase of a new CRIS System and the contract reflects the estimated cost, the term of the contract, and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Other agenda items:

ASARCO. John Shaw, Asarco Plant Manager, 300 S. Montana Avenue, East Helena. Asarco is interested in paving two strips across the county road to transport material going to a landfill on the other side. In consideration and in the spirit of cooperation, Asarco has agreed to do the blacktop paving on that piece of road between the two ramps. Because the county will grade and tar and chip the county road to the trailer park, Asarco has agreed an additional \$13,000 to pay for the blacktopping of that road after the county has completed the sub-grading.

Commissioner Murray asked to table to Thursday to allow public works director available. Mr. Shaw agreed to pay 50 feet on both sides of the two crossings. Project needs to begin May 1. Commissioner Murray moved that the county issue an approach permit to the Asarco with the understanding that they will provide an asphalt mat between the two approaches that they are using to cross the county road and extend a 50-foot asphalt mat on either side of their roads . (asphalt mat as requested to 50 feet extension past the two crossings in each direction plus the pavement of mat on the road between the crossings. Commissioner Varone seconded the motion and it carried

unanimously.

Bid Acceptance-Montana Pre-Stressed Concrete. The County Public Works Director received a proposal from Entranco who received a bid for five (5) pre-stress beams for the North Applegate Drive bridge in the amount of \$19,600. The beams must be ordered in advance and are included in the original bid package. Commissioner Varone moved that the Commission accept the bid from Montana Pre-Stressed Concrete in the amount of \$19,600 and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 10:30 a.m.